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Attorneys for Plaintiff Menlo Logistics, Inc.

**FILED**

JUL 12 2005

FORWARD W. WIEKING  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MENLO LOGISTICS, INC., a Delaware  
corporation, ,

Plaintiff,

v.

GAINEY TRANSPORTATION  
SERVICES, INC., a Michigan corporation,

Defendant.

Case No. C 03-02560 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING SETTLEMENT  
CONFERENCE**

WHEREAS, on May 26, 2005, United States Magistrate Judge Elizabeth D. Laporte issued a Notice of Settlement Conference and Settlement Conference Order directing the parties to attend a settlement conference on July 27, 2005 at 9:00 a.m.; and

WHEREAS, a compelling reason to continue the settlement conference exists because the party representative from Plaintiff Menlo Logistics, Inc. ("Menlo") is unavailable on July 27, 2005; and

WHEREAS, the parties have agreed that August 9, 2005 at 1:30 p.m. is a mutually convenient date on which to hold the settlement conference,

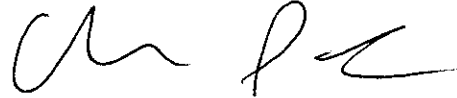
IT IS HEREBY STIPULATED by the parties through undersigned counsel that they request the Court to continue the settlement conference from July 27, 2005 to August 9, 2005, at

STIPULATION AND PROPOSED ORDER CONTINUING SETTLEMENT CONFERENCE; CASE NO. C 03-02560 JSW

1 1:30 p.m., and further request that the Court direct the parties to deliver directly to the Magistrate  
2 Judge Confidential Settlement Conference Statements, on or before July 29, 2005.

3 Dated: July 17, 2005

FOLGER LEVIN & KAHN LLP

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5 Andrew J. Davis  
6 Attorneys for Plaintiff Menlo Logistics, Inc.

7  
8 Dated: July \_\_\_\_\_, 2005

VARNUM, RIDDERING, SCHMIDT & HOWLETT,  
9 LLP

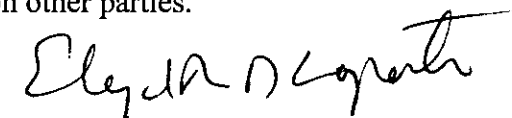
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11 Kevin Abraham Rynbrandt  
12 Attorneys for Defendant Gainey Transportation, Inc.

13 **Order**

14 On consideration of the foregoing, good cause being shown,

15 **IT IS HEREBY ORDERED** that the settlement conference will be continued from July  
16 27, 2005 to August 9, 2005, at 1:30 p.m. On or before July 29, 2005, the parties shall deliver  
17 directly to the Magistrate Judge a Confidential Settlement Conference Statement which should  
18 not be filed with the Clerk of the Court or served upon other parties.  
19

20 Dated: July 12, 2005

21 

22 ELIZABETH D. LAPORTE  
23 United States Magistrate Judge

24 65021\2009\449212.1

1 1:30 p.m., and further request that the Court direct the parties to deliver directly to the Magistrate  
2 Judge Confidential Settlement Conference Statements, on or before July 29, 2005.

3 Dated: July \_\_\_\_, 2005

FOLGER LEVIN & KAHN LLP

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6 Andrew J. Davis  
Attorneys for Plaintiff Menlo Logistics, Inc.

7  
8 Dated: July 6, 2005

GORDON & REES LLP

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10   
Jodie Feusner  
Attorneys for Defendant Gainey Transportation, Inc.

11  
12 **Order**

13  
14 On consideration of the foregoing, good cause being shown,

15 **IT IS HEREBY ORDERED** that the settlement conference will be continued from July  
16 27, 2005 to August 9, 2005, at 1:30 p.m. On or before July 29, 2005, the parties shall deliver  
17 directly to the Magistrate Judge a Confidential Settlement Conference Statement which should  
18 not be filed with the Clerk of the Court or served upon other parties.

19  
20 Dated: July \_\_\_\_, 2005

21 ELIZABETH D. LAPORTE  
United States Magistrate Judge

22  
23 Gainey\_Menlo- Stipulation and Proposed Order Continuing Settlement Conference